

**MEDIATOR EXCELLENCE COUNCIL**  
**Meeting Summary**  
**March 29, 2007**

**Present:** Ramona Buck, MACRO; Craig Brieske, ACR; Lou Gieszl, MACRO; Cheryl Jamison, Staff to the MEC; Martin Kranitz, Evaluation Task Group; Trish Miller, MSBA ADR Section; Pam Ortiz, Circuit Court; Louise Phipps Senft, Grievance Task Group; Liz Ribas, Training Task Group; Jonathan Rosenthal, Vice Chair of the MEC & District Court; Tara Taylor, Chair of the MEC & Roster Managers, Toby Treem Guerin, Mentoring Task Group; Mae Whitehead, Consumer Awareness Task Group; Rachel Wohl, MACRO.

**Next Meeting:** Monday, May 7, 2007 1:30 p.m. – 4:00 p.m. at MACRO.

**Issues to be discussed and/or decisions to be made at the next meeting:**

- Training Standards – This could be the final discussion
- Mediation-Related Activities: What does it mean?

**1. Report from the Governance Committee – Duties and Responsibilities of the MEC**

Pam Ortiz presented the proposal from the Governance Committee regarding the Duties and Responsibilities of the MEC. This was the second time this proposal had been discussed. The proposal is below followed by a summary of the discussion.

**Proposed Duties and Responsibilities of the  
Mediator Excellence Coordinating Council**

**Section 1      Governing Council**

The name of the governing body for the Maryland Program for Mediator Excellence is the Mediator Excellence Council (MEC).

**Section 2      Vision and Mission**

The Mediator Excellence Council guides the development, implementation and management of the Maryland Program for Mediator Excellence (MPME). Through the direction and leadership of the MEC, the Maryland Program for Mediator Excellence has as its goal to bring a comprehensive approach to quality assistance in mediation by motivating participating mediators to seek continual improvement. This is to be accomplished by encouraging mediators, at every experience level and in every setting to participate in the mediation-related activities necessary to develop and maintain quality mediation skills and practices which in turn will improve the quality of mediation services provided to consumers.

### Section 3      Composition

A. The Mediator Excellence Council shall be comprised of the following voting members:

- One designee from each of the following organizations: the Alternative Dispute Resolution Section of the Maryland State Bar Association; the Association for Conflict Resolution Maryland Chapter; Community Mediation Maryland; Maryland Council for Dispute Resolution; and, the Maryland Mediation and Conflict Resolution Office. Each organization shall select a representative and an alternate to the Council. The alternate will receive meeting summaries and attend when the representative is unable to do so.
- The Executive Director , ADR Programs, District Court of Maryland, or designee
- An individual representing roster programs
- A consumer representative
- A representative from each branch and root of the tree. Each branch and root shall select a representative and an alternate to the Council.

B. The following shall be non-voting members of the Mediator Excellence Council

- MACRO staff members not designated as the official representative
- Alternates attending a meeting when the primary representative is present

C. The Mediator Excellence Council shall be staffed by MACRO's Quality Assistance Director, a non-voting member.

### Section 4      Chair and Vice Chair

There shall be a Chair and Vice Chair of the Mediator Excellence Council.

A. The Chair

The Chair shall be selected from the members of the MEC with the exception of MACRO Staff and shall serve for one calendar year, from January through December.

The responsibilities of the Chair are to:

- Facilitate the meetings of the MEC
- Communicate regularly with the Quality Assistance Director
- Represent the MEC meetings in the broader community in Maryland.
- Be a point of contact for task groups, and a liaison as needed
- Serve as a member of the Governance Task Group

B. The Vice Chair

The Vice Chair shall be selected from the members of the MEC with the exception of MACRO Staff and shall serve for one calendar year, from January through December. It is expected that

the Vice Chair would become the chair at the end of the calendar year subject to the approval of the individual and the MEC.

The responsibilities of the Vice Chair are to:

- Support the Chair in the administration of the MEC
- Facilitate MEC meetings in the absence of the Chair
- Chair the Nuts and Bolts Committee
- Serve is as a non-voting member of the Membership Retention & Support Committee.

C. The qualities of the Chair and the Vice Chair include the following:

- Ability to attend meetings, regularly
- Be clear and organized
- Facilitate meetings well
- Have the respect of the other committee members
- Understand of the picture of the MPME and mediation in Maryland
- Be a good listener
- Have a commitment to making quality assistance happen
- Passion and commitment for the project.

#### Section 5 Duties and Responsibilities:

Provide oversight to the Maryland Program for Mediator Excellence by developing and carrying out policies governing the implementation and management of the program.

Develop new branches, leaves and roots to the tree consistent with the above stated goals of the program. The MEC may create new branches, leaves and roots; and rename and/or reorganize existing components as the need arises.

Evaluate and monitor the progress of the MPME through regular reports from each MPME component and other evaluation tools. The MEC shall set objective performance goals for the MPME. Based on the results of evaluations and feedback channels, the MEC shall develop, and/or approve for development, new programs or changes to existing programs.

Assist the staff in marketing the MPME and recruiting new members by developing, and/or approving, marketing and promotional plans and the use of recruitment strategies. MEC Members are expected to serve as ambassadors for the MPME and may be asked to speak at local and national meetings, trainings and conferences about the MPME.

Review and monitor legislation and rule changes affecting mediation. When necessary, the MEC, in consultation with MACRO, may propose new legislation to be submitted as part of the Judiciary's Legislative Agenda. Members of the MEC cannot testify in public or submit written comments to any legislative body in their official role as members of the MEC without the express, written consent of the Maryland Judiciary. However, members are free to participate in the legislative process as individual citizens or in other professional capacities.

END OF PROPOSAL

Here is a summary of the discussion which took place:

The major focus of the discussion was on the Composition Section and whether there were groups which should be added. The focus was in two areas: adding a private practitioner and adding a circuit court judge.

- Adding a private practitioner to the MEC: Currently, there are private practitioners on the MEC, however, they represent either a practitioner's organization or one of the MPME Task Groups. There is no one who represents private practitioners, as a separate group. So the first question was could one person represent both or would that cause a conflict? Would there be a situation in which the needs of one group would conflict with those of the other? If one person represented two groups, would that individual get two votes? When an individual sits on the MEC, should they vote or make decisions in line with the organization or task group they represent or should they use their judgment, even if that conflicts with that of the organization or task group? When an issue comes before the MEC is the council member speaking on behalf of the organization they represent, or are they using their best wisdom? How would a person be selected? Could you select just one private practitioner for all private practitioners? **It was decided that for now, representation by ACR, MCDR and MSBA ADR provides representation for private practitioners.**
- Adding a representation from the circuit court: There were two areas discussed regarding the circuit court, one was the possibility of adding a circuit court judge and adding an ADR coordinator from the circuit court. Council members agreed that both would bring a different and needed perspective to the council. It was decided to add a circuit court judge as appointed by the Chief Judge of the Court of Appeals with a recommendation that the judge come from the Conference of Circuit Court Judges. An ADR Coordinator will also be added.
- It was also suggested that a representative from Higher Education, specifically from the ADR/Mediation field would be beneficial to the MEC. This was approved.
- **The MEC decided to add the following positions to the MEC:**
  - **A representative from the Conference of Circuit Court Judges as appointed by the Chief Judge of the Court of Appeals**
  - **An ADR Coordinator**
  - **An Higher Education Representative in the ADR/Mediation Field**

**Nominations would be solicited from MEC members and once the individual's interest in participating had been determined, the MEC would approve the selection. This is true for all except the appointment by the Chief Judge of the**

**Court of Appeals. In addition, as new members are added to the MEC, they would go through an orientation to the MEC.**

**The MEC also asked the Governance Committee to work on a proposal for term limits and staggered terms for MEC Members. This is needed to make sure there are always fresh ideas coming into the Council.**

**With the above changes, the proposal was adopted.**

## 2. Consumer Education Task Group Discussion

Mae Whitehead led a discussion about the Consumer Education Task Group changing the name to Consumer Awareness Task Group and changing its location on the tree. Mae indicated that at the last Consumer Education Task Group meeting there was discussion that perhaps this task group, currently identified as a root on the tree, is in the wrong place and should be a branch. The thought was that roots are there to nourish the tree and make the tree better. The roots on an apple tree, for example, help to produce a good apple, but apples are not at the roots, they are a product of the roots. In much the same way, the roots on the MPME tree are there to produce an ever improving mediator for consumers. If this is true, should consumers be at the root or a branch?

**The MEC approved of the name change, making the group the Consumer Awareness Task Group.**

Regarding the location on the tree, the MEC had mixed feelings.

- Some thought that since consumers are at the bases of all mediators do and why we work to improve, it is important to have them at the root or the beginning of what we do.
- There was discussion that items were labeled roots because these were not areas members would “move through.” Branches, on the other hand, are areas where members would “move through” or participate in.
- That description led to a discussion as to whether the Evaluation Branch was in the right place, since it is not something a member would “move through” in the same sense as a member would “move through” the mentoring program or the assessment branch?
- Maybe the Consumer Awareness is neither a root nor branch – not sure what it would be under that scenario.
- It should remain a root because Consumer Awareness is something all mediators should be involved in and maybe a commitment should be added to the

application indicating that members will commit to making consumers aware of mediation whenever possible.

**Decision: Mae will discuss comments with task group. For the time being it will remain a root.**

### 3. Evaluation Task Group Update

Martin Kranitz provided the following written update of the activities of the Evaluation Task Group. The report is below – There was not much discussion.

#### Evaluation Committee report

After 18 months of hard work our committee came up with a final draft of the “exit survey” which we have intended to pilot in four different venues. It was understood that several of the items in our exit survey differed slightly in the wording from the court’s exit survey which had been developed over approximately the same amount of time. We were given to believe, at the time, that the wording in the court’s survey was immutable. We were resigned to live with the differences and had agreed to try to explore a statistical way to equalize parallel items.

The survey was translated into Spanish through the Frederick County community mediation center and Lydia their Spanish-speaking expert (as well as an associate of Lydia’s who double checked her work).

At the last committee meeting (3/22/07) we were prevailed upon to review the final exit survey before it was sent out and to reconsider looking at the wording of the items which were similar, but not exactly the same as the courts exit survey. We were told at the last meeting that the courts exit survey items may not have been as immutable as we were initially led to believe.

We are, therefore, going to go back to the drawing table to review the items which the two surveys have in common and to try to find some “common ground” (common language) which we (people on the committee) can all live with. Our next meeting is April 11 at 10 o’clock in my office.

The reason for the additional effort is that we would like to make the items in our exit survey as exactly the same, as we can, as the items in the courts exit survey. In this way, any analyses that are done will not have to take into account the variable of different language and possibly meaning.

We will therefore take one more stab at adjusting the language in several of our items. This will be done conjunction with representatives of the panel who developed the court exit survey.

Once we have adjusted these items to the best of our ability, these items will be re-translated into Spanish and the exit survey will be used by several facilities, and hopefully several mediators in private practice. Our intent will be to gather several hundred surveys and, with the help of some statistical experts, analyzed the results.

The committee is still looking at how data gathered from these exit surveys will be handled and how it will be protected.

The committee will return to discussions concerning the over all in valuation of MPME at a later date.

Respectfully submitted, Martin Kranitz

#### END OF REPORT

#### 4. Draft Email to Trainers regarding additional continuing education training

Jonathan Rosenthal presented a second draft of correspondence to trainers regarding additional continuing education training. The draft is below, followed by a summary of the discussion.

##### Maryland Trainers

As you may know, the Maryland Program for Mediator Excellence (MPME) officially launched in August 2006. The purpose of this letter is to share with you information about the MPME, its purpose and requirements as well as how you could be instrumental in assisting MPME members in fulfilling their continuing educational requirements.

The MPME has as its goal to bring a comprehensive approach to quality assistance in the field, and to motivate individual mediators to strive for continual improvement. At the heart of the MPME is the belief that if given opportunities Maryland mediators will use them to improve their mediation practice. To be useful, the opportunities must be related to the venue in which the mediator practices and geared to the mediator's experience level. Symbolized by a tree with many roots and branches, the MPME integrates several voluntary approaches for enhancing mediator's skills and their ability to address the needs of their clients.

When a mediator joins the MPME, the mediator makes a commitment to participate in four (4) mediation-related activities and to complete two (2) hours of ethics training annually. To complete four mediation-related activities, a member could decide to participate in the mentoring program; get involved in a practitioner organization; participate in a regional network; take part in a case discussion group; attend a conference or take a continuing improvement course or training, etc. There is a wide range of activities available to members. It is up to each individual member to decide the type of activity.

As trainers, we anticipate that you may be offering continuing educational opportunities that MPME members will want to attend as one way of completing the membership commitment. We also hope that as you plan your schedule, you will keep in mind that MPME members, in different venues, at different experience levels, all over the state are interested in ways to improve their mediation skills. We are not talking about what is generally considered basic mediation training. Mediators must have completed 40 hours of mediation skills training to become an MPME member. We are talking about *continuing* skills improvement. We

encourage you to design continuing education opportunities that you think will be of interest to MPME members. We are more than happy to publicize your continuing education opportunities to the MPME membership as well as discuss any ideas you might have for future offerings. We see a common goal between you, as trainers and the MPME: to provide the highest quality of mediation service to Maryland consumers.

Thanks for taking the time to consider this information. We hope that you, the mediation trainers in Maryland, will see this as an ongoing opportunity in the years ahead. As membership in the MPME grows, so does the need for training opportunities throughout the state. If you have any questions or if you happen not to be an MPME member and would like to join, call me at 410-841-2260. We look forward to working with you.

Sincerely,

Cheryl L. Jamison  
Quality Assistance Director

#### END OF CORRESPONDENCE

Here is a summary of the discussion:

- Members of the MEC were divided on whether the correspondence was needed, with some suggesting that trainers already know about the MPME and the commitment members make to continuing education.
- Others believed that such correspondence was good and wanted to find a way to make sure training was available in all parts of the state.
- There were questions regarding who would get the letter and does receipt of the letter mean that the individual's training was approved?
- All members were clear that it is not the purpose of the MPME to certify training or trainers.
- The letter is too long and trainers will not take the time to read all of this. There may be too much information.
- What is a mediation-related activity? Some thought the term needed to be defined so that trainers would not offer activities that were later found not to fit under the term mediation-related activity.



- Others felt that the term should be left with the broad definition contained in the application and that it would be rare that an activity would not fit within that definition.

The Nuts and Bolts committee was asked to go back and consider definitions for mediation related activities and the other comments that were made.

The meeting ended at 4:00 p.m.